

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

PQ LABS, INC.,

Plaintiff,

v.

YANG QI, et al.,

Defendants.

No. C 12-0450 CW

ORDER DENYING
MOTION FOR
TEMPORARY
RESTRAINING ORDER
(Docket No. 12)

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On January 27, 2012, Plaintiff PQ Labs, Inc. filed a complaint against Defendants Zaagtech Inc., Jinpeng Li, Yang Qi, Haipeng Li and Andy Nguyen alleging, inter alia, claims for misappropriation of trade secrets, copyright infringement and unfair competition in regard to Plaintiff's computer touch screen products. On March 8, 2012, Plaintiff filed a motion for an ex parte temporary restraining order (TRO), arguing that there was a grave risk of irreparable harm because, on March 7 and 8, 2012, Defendants were to attend the Digital Signage Expo, an important trade show in the touch screen industry, where they would be exhibiting touch screen products that incorporate Plaintiff's proprietary, confidential information.

On March 8, 2012, the parties filed a stipulation in which Plaintiff agreed to extend the time for Defendants to respond to its complaint, from February 21, 2012 to March 12, 2012, or ten days from the date Plaintiff filed an amended complaint.¹

¹ Plaintiff filed an amended complaint on March 12, 2012. Therefore, Defendants' response is due on March 22, 2012.

1 Also on March 8, 2012, Defendants Zaagtech Inc., Jinpeng Li
2 and Yang Qi filed a motion for leave to file an opposition to the
3 TRO motion and requested that the Court not rule on the TRO until
4 they had the opportunity to file their opposition. On March 9,
5 2012, Defendant Andy Nguyen filed a response to the TRO motion,
6 indicating that, because Plaintiff did not seek to enjoin him, he
7 neither opposed nor supported Plaintiff's motion. However, he
8 denied Plaintiff's assertions that he improperly disclosed its
9 confidential customer lists and information, and urged the Court
10 to delay ruling on the TRO until it could fully scrutinize
11 Plaintiff's evidence.

12 On March 9, 2012, the Court issued an Order denying the
13 motion for an ex parte temporary restraining order, stating that
14 it would consider the motion once Defendants responded. The Court
15 issued a briefing schedule allowing Defendants to file an
16 opposition within two court days after receiving actual notice of
17 the motion and allowing Plaintiff to file a reply one court day
18 thereafter. Defendants filed no further opposition but the Court
19 has considered their earlier filings. Plaintiff has filed nothing
20 further.

21 Because the Digital Signage Expo has passed, it appears that
22 the exigent circumstance which gave rise to the need for a TRO no
23 longer exists.

24 Therefore, Plaintiff's motion for a TRO is denied without
25 prejudice to noticing it for hearing as a motion for a preliminary
26 injunction. If Plaintiff wishes to have its motion for a
27 preliminary injunction heard on shortened time and Defendants will
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1 not so stipulate, Plaintiff may file a motion to shorten time
2 pursuant to Local Civil Rule 6-3.

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4 IT IS SO ORDERED.

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6 Dated: 3/21/2012

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8 CLAUDIA WILKEN
9 United States District Judge
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